

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/766,758	Applicant(s) JENSEN ET AL.	
	Examiner MICHAEL D. PHAM	Art Unit 2167	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: none.
 Claim(s) objected to: none.
 Claim(s) rejected: 1,2 and 4-18.
 Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/John R. Cottingham/
 Supervisory Patent Examiner, Art Unit 2167

/M. D. P./
 Examiner, Art Unit 2167

Continuation of 11. does NOT place the application in condition for allowance because of the reasons that follow.

A. In regards to 35 U.S.C. 101 rejection of claims 14-18. Applicant's assert that a barcode is a machine readable representation of information that is typically formed as alternating areas of low and high reflectance on a physical medium, such as a piece of paper.

In response, the rejection is maintained as it appears based on the above assertion that one of the covered embodiments is that of printed matter. Since it is not until the information is converted into an appropriate electronic form to be read and executed by a processor that it becomes functional descriptive material, this embodiment is no more than non-functional descriptive material per se, and therefore non-statutory.

B. Applicant's assert the following:

b1. Remarks page 10-11. In regards to the first limitation "the specification of the second object including information identifying a plurality of public attributes of the second object and a plurality of private attributes of the second object".

The examiner respectfully disagrees that this is not disclosed, Benson discloses the specification of the second object (figure 3) including information identifying a plurality of public attributes of the second object (col. 5 line 4, digital signature also includes a public key) and a plurality of private attributes of the second object (col. 5 lines 1-3, digital signatures).

b2. Remarks page 11-12. In regards to, private attributes of claim 1 are completely unrelated to encryption. Rather the private attributes of claim 1 are attributes of the second object that are locked from further modification based on their private status.

In response, col. 11 lines 48-51, of Benson discloses authorizing edits. Hence, suggesting "locked from further modification". Benson is therefore related. Accordingly, Applicant's assertions are unpersuasive.

b3. Remarks Page 12. In regards to applicant's assertion no where in Benson teach or suggest the private attributes.

In response, the examiner respectfully disagrees. The digital signatures are private attributes as they are created by use of private keys (col. 5 lines 1-3).

b4. Remarks page 12. In regards to "wherein values for the plurality of private attributes of the second object cannot be modified by users of the first file" is not disclosed.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this case, Applicant asserts Benson alone. Szabo disclosed "wherein values for the plurality of" "attributes of the second object cannot be modified by users of the first file" in col. 19 lines 57-61. However, Szabo did not disclose private attributes. Benson discloses digital signatures (col. 5 lines 1-3). These digital signatures are private attributes. The combination of Szabo and Benson therefore disclose "wherein values for the plurality of attributes of the second object cannot be modified by users of the first file is disclosed". It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied the disclosure of Benson above, to the disclosure of Szabo for the purpose of allowing authorized personal to modify data objects in a collaborative object environment. As Benson, col. 11 lines 38-53, discloses for example data object 112 was created by Acme corporation. And different peer data objects are responsible for different procedures such as word processing, editing of documents, or viewing objects. If the data object 112 is distributed to an employee Acme can setup the data object such that the data object 112 is not authorized to connect with the peer data object that is responsible for editing. Therefore, Benson offers further control over data objects.

C. Claim 8 and 14

In regards to claim 8 and 14, applicant's assertions towards those claims are directed to similar limitations as asserted in claim 1, and thus those limitations of claim 8 and 14 are similarly rejected.